

***Atkinson Capitol Teutonia  
ACT***

***BUSINESS IMPROVEMENT DISTRICT NO.29  
PROPOSED OPERATING PLAN (YEAR FOUR)***

**2006**

Draft: September 19, 2005

## I. INTRODUCTION

### A. Background

In 1984, the Wisconsin legislature created s. 66.1109 of the Statutes (see Appendix A) enabling cities to establish Business Improvement districts (BIDs) upon the petition of at least one property owner within the proposed district. The purpose of the law is "to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities." (1983 Wis. Act 184, Section 1, legislative declaration.)

The City of Milwaukee has received a petition from property owners which requests creation of a Business Improvement district for the purpose of revitalizing and improving the Atkinson Avenue, Capitol Drive and Teutonia Avenue business area on Milwaukee's north side (see Appendix B). Pursuant to the BID law, an initial Operating Plan for the proposed district has been prepared. The BID proponents have developed this Plan with technical assistance from the City of Milwaukee Department of City Development.

Section 66.1109(3)(b), Wis. Stats. Requires that a BID Board of Directors "...shall annually consider and make changes to the operating plan. The Board shall then submit the operating plan to the local legislative body for its approval. "Given that this is the initial Operating Plan, there is no BID Board of Directors. However, the organizing as initiated by community organizations and business operators and property owners, and comprehensive plan was established for the proposed Atkinson Teutonia Capitol BID district.

### B. Physical Setting

The vast majority of the ACT Triangle is made up of residential properties. Of the nearly 8,000 total number of parcels in and immediately surrounding the ACT Triangle, approximately 200 are commercial or industrial in nature. Thirty parcels are institutional in use (schools, churches, municipal and government facilities). Eighty-four parcels are vacant lots, boarded up properties, or residential units owned by the City of Milwaukee, some other governmental unit, or a lending institution as a result of foreclosure, tax delinquency or public nuisance.

The overwhelming majority of the housing is single-family detached homes. The second most prevalent type of land use is duplex housing. There are a few three and four flat units. The area surrounding the intersection of West Capitol Drive, Atkinson Avenue and Teutonia Avenue supports a number of apartment buildings. The apparent largest of these, a 55 unit complex located at the intersection of Roosevelt Drive and Teutonia is a boarded up property.

An estimated 70% of the housing in the ACT area was built prior to World War II. Much of this housing stock was built in the 1920's and 1930's. While the housing stock is not in danger of falling down, it has become expensive to maintain. This has caused much maintenance to be deferred, and has led to blight conditions.

There is a significant portion of newer housing at the northeast corner of the ACT Triangle. This housing stock differs greatly from the majority of the community's housing. It is brick or faced, and is evident of styles popular after World War II. Furthermore, lot and parcel sizes are larger in this section of the neighborhood.

The median value of a house in the ACT area in 1990 was estimated at \$36,718.00. Current estimates place the median value of a house in this neighborhood at \$46,110.00. This represents an increase of just over 25.5% in the eight years since the 1990 Census was conducted. Recent housing sales do not exactly support the estimated current housing value. Single-family residential sales in 1997 and 1998 averaged \$37,100.00. Duplex sales averaged just over \$42,550.00.

## II. DISTRICT BOUNDARIES

The potential boundaries for the ACT Business Improvement District extend from the 800 to 2600 block of Atkinson Avenue, the 2000 to 2700 Block of Capitol Drive and the 3700 to 4300 block of Teutonia Avenue.

Boundaries of the proposed district are shown on the map in Appendix C of this plan. A listing of the properties included in the district is provided in Appendix D.

## III. PROPOSED OPERATING PLAN

### A. Plan Objectives and Outcomes

In recognition of issues and concerns from business and property owners, the ACT BID along with the ACT business association have set the following 2006 plan objectives and outcomes;

#### **Encourage new business development, and expand current business activity**

- A. Implementation of a marketing strategy
- B. Partnerships with public and private sector to spur development and reinvestment
- C. Collaborations with ACT Business Association and other Community Based Organizations

#### **Assist in development, redevelopment, promotion and maintenance of the ACT commercial district.**

- D. Reduction of vacant commercial space
- E. Reduction and improvement of vacant lots
- F. Reduction of blighted conditions
- G. Reduction of Crime

## **B. Proposed Activities - Year Four**

For Operating Year 2006 The ACT BID will carry out three main functions to meet its objectives and outcomes:

### **1. Real Estate Development-**

- The ACT BID will maintain an inventory of vacated buildings and lots for potential business development. The inventory will contain information on conditions of buildings and lots. The inventory will be maintained in a database and made available for review via Internet or a property "hot sheet." The ACT BID and Business Association will also work with the Department of Neighborhood Services to ensure that properties are maintained in accordance with city codes. This is essential to maintaining a stronghold against blight and decay of the street
- The ACT BID will also assist with facilitating transactions between a private buyer and the city. BID representatives continue training and information in commercial development and revitalization through the National Council of Community Economic Development, Local Initiatives Support Corporation (LISC) and the Department of City Development.
- 2. District Promotion and Marketing- Developing effective promotional material and marketing the districts are two vital functions of the ACT BID.
- The ACT BID has planned the design and installation of special signs & banners that will identify the ACT BID as a unique environment for retail sales and personal services. The ACT BID will also work with DCD and UWM in completing the final design and selection of amenities for the street.
- The ACT BID will publish a newsletter outlining positive experiences of businesses within the district. The newsletter will also offer information on best practices for successful businesses. The newsletter will be distributed throughout the district.
- The ACT BID will host an annual dinner meeting in December that will give special recognition for businesses, developers and organizations that positively affect the economic environment and aesthetics of the BID. The special recognition dinner will aid in public information about the BID and further strengthen relationships between business owners and the community.
- Memberships in professional organizations (e.g. International Conference of Shopping Centers) to raise the profile of the ACT BID and promote potential business development

**3. Business Assistance/Economic Development-** The ACT BID will assist district businesses with business planning, cash flow analysis, preparing business loan applications, and accessing public business development programs thorough its relationship with economic development organizations within the area. The ACT BID will assist with matching public funds to private development opportunities.

### **III. Financing Method**

Allocation of the district's annual expenses will be based on each individual property's assessed valuation as a percentage of the district's total assessed valuation. It is proposed to raise \$68,812 through BID assessments (see Appendix D) .The BID Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

### **IV. Organization of BID Board**

Upon creation of the ACT BID #29, the Mayor appointed; Wanda Scruggs, Rosetta Carr, Julius Morgan, Willie Cunningham and Cornelius Cobbin to the district board ("board") .The board's primary responsibility will be implementation of this Operating Plan.' This will require the board to negotiate with providers of services and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

The BID board be structured and operates as follows:

1. Board size -Five.
2. Composition -At least three members shall be owners or occupants of property within the district. *Wanda Scruggs, Willie Cunningham and Julius Morgan are owners and occupants of property within the district.*  
  
Any non-owner or non-occupant appointed to the board shall be a resident of the City of Milwaukee. The board shall elect its Chairperson from among its members. *There are no non-owners or non-occupants amongst the members of ACT BID #29 the elected chairperson is Willie Cunningham a resident of the city of Milwaukee*
3. Term -Appointments to the board shall be for a period of three years except that initially two members shall be appointed for a period of three years, two members shall be appointed for a period of two years, and one member shall be appointed for a period of one year.
4. Compensation -None.
5. Meetings -All meetings of the board shall be governed by the Wisconsin Open Meetings Law.
6. Record Keeping -Files and records of the board's affairs shall be kept pursuant to public records requirements.
7. Staffing- The board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof.
8. Meetings -The board shall meet regularly, at least twice each year. The board shall adopt rules of order (by laws) to govern the conduct of its meetings.

### **A. Relationship to the ACT Business Association, Inc.**

The BID is a separate entity from the ACT Business Association, notwithstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public records law except for its records generated in connection with the BID board. The Association may, and it is intended, shall, contract with the BID to provide services to the BID, in accordance with this Plan. Any contracting with the Association for services to the BID, will be in accordance with this Plan.

## **V. METHOD OF ASSESSMENT**

### **A. Assessment Rate and Method**

The principle behind the assessment methodology is that each property should contribute to the BID in proportion to the benefit derived from the BID. After consideration of other assessment methods, it was determined that assessed value of a property was the characteristic most directly related to the potential benefit provided by the BID. Therefore, a fixed assessment on the assessed value of the property was selected as the basic assessment methodology for this BID.

However, maintaining an equitable relationship between the BID assessment and the expected benefits requires an adjustment to the basic assessment method. To prevent the disproportional assessment of a small number of high value properties, a maximum assessment of \$1,500 per parcel will be applied.

BID-eligible properties are assessed in the following manner:

1. An unimproved tax parcel is assessed at a rate of \$4/1,000 of assessed value up to a maximum BID assessment of \$1,500. No minimum assessment is applied to unimproved parcels.
2. There is a \$125 minimum assessment on all BID- eligible improved tax parcels valued at \$10,000 or less.
  2. For improved tax parcels valued over \$10,000, the assessment is \$125 plus \$4/1,000 of assessed value for the amount over \$1, up to a maximum of \$1,500.

As of January 1, 1993, the property in the proposed district had a total assessed value of over \$13 million. This plan proposed to assess the property in the district at a rate of \$4.00 per \$1,000.00 of assessed value, subject to the maximum assessment, for the purposes of the BID. Appendix D shows the projected BID assessment for each property included in the district.

### **B. Excluded and Exempt Property**

The BID law requires explicit consideration of certain classes of property. In compliance with the law the following statements are provided.

1. State Statute 66.1109(1) (f) Im: The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the method set forth in this plan because it is assumed that they will benefit from development in the district.

2. State Statute 66.1109(5) (a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as BID Exempt Properties in Appendix D, as revised each year.

3. In accordance with the interpretation of the City Attorney regarding State Statute 66.1109(1) (b), property exempt from general real estate taxes has been excluded from the district. Privately owned tax exempt property adjoining the district and which is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

## **VI RELATIONSHIP TO MILWAUKEE COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY**

### **A. City Plans**

In February 1978, the Common Council of the City of Milwaukee adopted a Preservation Policy as the policy basis for its Comprehensive Plan and as a guide for its planning, programming and budgeting decisions. The Common Council reaffirmed and expanded the Preservation Policy in Resolution File Number 881978, adopted January 24, 1989. The Preservation Policy emphasizes maintaining Milwaukee's present housing, jobs, neighborhoods, services, and tax base rather than passively accepting loss of jobs and population, or emphasizing massive new development. In its January 1989 reaffirmation of the policy, the Common Council gave new emphasis to forging new public and private partnerships as a means to accomplish preservation.

The district is a means of formalizing and funding the public-private partnership between the City and property owners in the Atkinson, Capitol, Teutonia business area and for furthering preservation and redevelopment in this portion of the City of Milwaukee. Therefore, it is fully consistent with the City's Comprehensive Plan and Preservation Policy.

### **B. City Role in District Operation**

The City of Milwaukee has committed to helping private property owners in the district promote its development. To this end, the City expected to play a significant role in the creation of the Business Improvement district and in the implementation of the Operating Plan. In particular, the City will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.
2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.
3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.
4. Receive annual audits as required per sec. 66.1109(3) (c) of the BID law.
5. Provide the board, through the Tax Commissioner's Office on or before June 1st of each Plan year, with the official City records on the assessed value of each tax key number with the district, as of January 1st each Plan year, for purposes of calculating the BID assessments.
6. Encourage the State of Wisconsin, Milwaukee County and other units of government to support the activities of the district.

## **VII. PLAN APPROVAL PROCESS**

### **A. Public Review Process**

The Wisconsin Business Improvement district law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The Milwaukee City Plan Commission will review the proposed district boundaries and proposed Operating Plan and will then set a date for a formal public hearing.
2. The City Plan Commission will send, by certified mail, a public hearing notice and a copy of the proposed Operating Plan to all owners of real property within the proposed district'. In addition, a Class 2 notice of the public hearing will be published in a local newspaper of general circulation.
3. The City Plan Commission will hold a public hearing, will approve or disapprove the Plan, and will report its action to the Common Council.
4. The Zoning, Neighborhoods and Development Committee of the Common Council will review the proposed BID Plan at a public meeting and will make a recommendation to the full Common Council.
5. The Common Council will act on the proposed BID Plan.
6. If adopted by the Common Council, the proposed BID Plan is sent to the Mayor for his approval.
7. If approved by the Mayor, the BID is created and the Mayor will appoint members to the district board established to implement the Plan.

### **B. Petition against Creation of the BID**

The City may not create the Business Improvement district if, within 30 days of the City Plan Commission's hearing, a petition is filed with the City containing signatures of:

Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or

Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

## **VIII. FUTURE YEAR OPERATING PLANS A. Phased Development**

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this initial Operating Plan.

Section 66.1109(3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon Year One activities, and information on specific assessed values, budget amounts and assessment amounts are based on Year One conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and



## **VII. PLAN APPROVAL PROCESS**

### **A. Public Review Process**

The Wisconsin Business Improvement district law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The Milwaukee City Plan Commission will review the proposed district boundaries and proposed Operating Plan and will then set a date for a formal public hearing.
2. The City Plan Commission will send, by certified mail, a public hearing notice and a copy of the proposed Operating Plan to all owners of real property within the proposed district'. In addition, a Class 2 notice of the public hearing will be published in a local newspaper of general circulation.
3. The City Plan Commission will hold a public hearing, will approve or disapprove the Plan, and will report its action to the Common Council.
4. The Zoning, Neighborhoods and Development Committee of the Common Council will review the proposed BID Plan at a public meeting and will make a recommendation to the full Common Council.
5. The Common Council will act on the proposed BID Plan.
6. If adopted by the Common Council, the proposed BID Plan is sent to the Mayor for his approval.
7. If approved by the Mayor, the BID is created and the Mayor will appoint members to the district board established to implement the Plan.

### **B. Petition against Creation of the BID**

The City may not create the Business Improvement district if, within 30 days of the City Plan Commission's hearing, a petition is filed with the City containing signatures of:

Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or

Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

## **VIII. FUTURE YEAR OPERATING PLANS A. Phased Development**

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this initial Operating Plan.

Section 66.1109(3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon Year One activities, and information on specific assessed values, budget amounts and assessment amounts are based on Year One conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and

approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this Plan and the BID law.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the consent of the City of Milwaukee.

#### **B. Amendment, Severability and Expansion**

This BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the BID and this BID Plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID so as to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Common Council of the City of Milwaukee as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under Section 66.1109(3) (b)

#### **APPENDICES**

- A. Statute**
  - B. Petitions**
  - C. Proposed District Boundaries**
  - D. Year Two Projected Assessments**
  - E. City Attorney's Opinion DCD:BOC:mjc**
- wp: model bid**